

Steven T. Wax, OSB No. 85012
Federal Public Defender
101 SW Main Street, Suite 1700
Portland, OR 97204
Tel: (503) 328-2123
Fax: (503) 328-5524
Email: steve_wax@fd.org

FILED WITH THE
COURT SECURITY OFFICER
CSO: 11/5
DATE: 9/27/10

279/10

REDACTED

Lawrence Matasar, OSB No. 74209
621 SW Morrison Street, Suite #1025
Portland, OR 97205
Tel: (503) 222-9830
Email: larry@pdxlaw.com

Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

UNITED STATES OF AMERICA,

CR 05-60008 HO

Plaintiff,

DECLARATION OF COL W. PATRICK
LANG, RETIRED

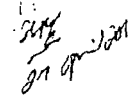
v.

PIROUZ SEDAGHATY,

Defendant.

I, W. Patrick Lang, declare:

1. I served in United States Army for 26 years and retired in 1988 as a full colonel. In that time, I had served in the infantry, in Special Forces (Green Berets), and military



intelligence. I served two combat tours of duty in Vietnam in military intelligence and was the U.S. Defense Attache in Yemen and later in Saudi Arabia. I was the first Professor of the Arabic Language at West Point. I am a graduate of the Virginia Military Institute (BA - English), the University of Utah (MA - Middle East Studies, Arabic language literature), the Armed Forces Staff College, The US Army Command and General Staff College, and the Army War College. I was a specialist in the Arab World throughout the last half of my army service. I served many years in the Middle East and speak Arabic and French fluently.

At one point in my Army service, I was the commander of a unit charged with disseminating signal intelligence products and conducting investigations concerning violations of law involved in the breach of security concerning those products. I traveled extensively and lived in or visited every country in the Middle East.

2. After retirement from the Army, I was appointed to the civilian Senior Executive Service of the Defense Intelligence Agency (DIA) where I held a rank equivalent to an Army Lieutenant General. For seven years I was the "Defense Intelligence Officer for the Middle East, South Asia and Counterterrorism." In that capacity, I was the supervisor of all DIA and Defense Department (DoD) intelligence work and analysis for the region from Morocco to Bangladesh as well as the functional area of counter-terrorism. I routinely briefed the President of the United States, Secretary of Defense, and Chairman of the Joint Chiefs of Staff with regard to ongoing and

22 Apr '12
WPL

projected developments in my area of responsibility. I supervised about five hundred people in that work. In this position, I testified hundreds of times before various committees of Congress. I was also responsible for technical liaison with all the agencies of the U.S. Intelligence Community (IC). I am intimately familiar with the details of the various functions and procedures of all the IC agencies. In 1992, I was awarded the "Presidential Rank of Distinguished Executive" by President G.H.W. Bush. This is the equivalent of a British knighthood.

3. In the last several years of my DIA civilian service, I was the first head of the "Defense HUMINT Service." In that capacity, I was the commander of all the U.S. Defense, Army, Naval and Air attaches in all U.S. embassies worldwide.

I left the government after two years in that job, having completed 32 years of federal service.

4. Following my departure from government service, I was employed for ten years as an executive in a variety of capacities: business developer, government relations, contract negotiator, line manager for the U.S. operation, and board member, by an Arab Muslim (Lebanon) owned conglomerate of companies engaged in the manufacture and engineering of construction materials, principally sewer, water and chemical industry pipe and associated tanks, manhole inserts and similar fittings. The company owned and operated factories in many countries in the Middle East, Europe and the United States. In the course of this employment, I traveled widely and lived in the UAE (TC) for six months. (Dubai). In this job, I had the chance to

21 July 2010
WPL

exploit and further develop the wide network of government contacts (both active and retired) that I had formed in the Islamic countries during my long government career. In 2001, I retired from this company. That was one week before 9/11.

5. Since then, I have been busy with consulting for the armed forces and IC, for various businesses involved in the Middle East, for television and radio, both in the U.S. and abroad, and in lecturing for a variety of universities and other audiences.
6. I have written dozens of articles on the Middle East, Islam, military theory and intelligence affairs. They are listed in my CV.
7. I have written two books. One is a textbook on espionage. The other is a novel concerned with intelligence work in the American Civil War.
8. I presently hold a U.S. Government security clearance at the level of "Secret." At the time I left the government, I was cleared for category-3 SCI information and 45 compartments of information above Top Secret. My background investigation was updated by the "Office of Personnel Management" a year ago when my security clearance was reinstated. My clearance is held by "System of Systems Analytics Corporation" (SOSACORP) in Fairfax, Virginia. This level of clearance could be raised, if necessary, to enable me to inspect documents relevant to this case.
9. I am currently employed as a consultant to the Director of National Intelligence, the

217
M

National Counter-Terrorism Center, and the United States Army. I am also employed by several major contractors to these same branches of government, including the Johns Hopkins University Applied Physics Laboratory, SAIC, and the System of Systems Analytic Corporation. This involves war gaming and operational design for counter-terrorist systems.

10.

It is also based upon my general knowledge of intelligence matters from 30 years of government service working within the intelligence community and my business experience in the Middle East. The statements I make regarding Al Haramain are my opinion based upon my knowledge of how intelligence collection, analysis and distribution works and how that would apply to the specific matter of the Al Haramain organization and Mr. Seda.

11.

27 July 2011
WPL

12. I have previously provided two declarations in this case that discuss the unclassified record of investigation of Al Haramain and other Islamic organizations in the United States both before and after September 11, 2001, and information about the Russian Intelligence Services. Those declarations are incorporated herein by reference.
13. In several paragraphs in the remainder of this declaration I use the phrase "upon information and belief." When I do, that phrase means "information and belief based on contacts that I have in my consulting business with a large network of associates who are former senior government employees." Their statements and my prior experience lead me to logical conclusions regarding the truth of things.

14.

271 2710
2710

15.

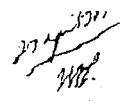
16.

17.

27 April 2010
[Signature]

18.

Second, based on my years of working in the Middle East as a businessman and intelligence officer, I know that it is commonplace in business operations for people to commingle private and corporate funds without any bad intent.



19. I have reviewed documents represented to me to be receipts provided by Al Haramain Saudi Arabia to Mr. Al Buthe in March 2000 for deposit of approximately \$187,000, including the money donated by Mr. El Fiki. My opinion regarding these receipts, detailed in the following paragraphs, is that they are authentic and it is likely that the government has additional information that it has not disclosed that would assist the defense in both establishing the veracity of the receipts and conducting its own analysis regarding the trail of the money after it was provided to the Al Haramain main office in Saudi Arabia. Such records may include the log book referenced by an Al Haramain official in an April 2004 declaration, and any additional interview records of Al Haramain officials provided by the Saudi government to the United States.
20. The receipts contain several markings that support the belief that they are genuine. The circular stamp mark on each of the receipts is an official stamp. Such stamps are issued by the government of Saudi Arabia. The number on the receipts is unique to each document. The combination of the number, the stamp, and the signature of a responsible official render the receipt an official and legal document under Saudi law. This information buttresses the affidavit provided in 2004 by an Al Haramain official that references a log book and authenticates the receipts.

21.

W. Patrick Lang
WPL

22. The content of the unclassified summary reveals at least three things. First, that Al Haramain received the money in question in this case. Second, that there has been tracing of the money beyond the point of the time of the deposit with Al Haramain Riyadh. Third, that such evidence includes exculpatory material.

23.

24. I have reviewed the decision of Judge Walker in the Al Haramain civil case. His finding confirms the opinion I have previously given regarding the likelihood that Al Haramain USA was subjected to surveillance under the Terrorist or Presidential Surveillance Program.

11/20/11
WPL

25. I have been advised that the first FBI interview report of Mr. Seda in this case is dated September 15, 2001, 4 days after the attacks of September 11, 2001, and that it used the FBI case number related to those attacks. I have been further advised that the Oregon United States Attorney issued his first subpoena that has been disclosed in this case before Mr. Seda's tax return for 2001 was filed. The speed of their reaction suggests that they had a well developed investigative case already under way. These facts strongly support my earlier opinions that the United States had been investigating and monitoring Mr. Seda and Al Haramain Ashland for some time before the investigation of his tax return became an issue. Reports generated in that activity are undoubtedly still extant in government files.

26. I have been advised that Mr. Seda communicated with a number of individuals in Saudi Arabia, including Mr. Al Buthe and other people at Al Haramain, in the late 1990's and early 2000's both by telephone and computer. Communications involving Mr. Seda, Mr. Al Buthe, and other Al Haramain individuals, would almost certainly have been unencrypted and in English as their shared language. The content of such communication obtained from either FISA or TSP sources would not be of great sensitivity with regard to United States SIGINT efforts. Therefore, any reports of such activity should either be unclassified, or have minimal classification. In my opinion, there is no great danger to United States intelligence efforts or national security in releasing such communications. At least some such communications would likely be relevant to the charges currently pending.

27 April 2011
[Signature]

27. Based on my knowledge of United States Intelligence operations, I believe that, certainly after September 11, 2001, and most likely before that date, the United States would have programmed its SIGINT gathering equipment to look for and gather all communications between people in Saudi Arabia and Al Haramain Ashland and Mr. Seda. The name "Al Haramain" would certainly have been tracked in these SIGINT efforts. They would also almost certainly have observed the transfer of the \$150,000 from Mr. El Fiki's bank account in London to the Bank of America in Ashland, Oregon. These records should be extant in the United States Government records. My earlier declarations describe this process in detail from an unclassified perspective.
28. Upon information and belief, Al Haramain was a Saudi Monarchy-run entity. It was in some respects a subsidiary of the Muslim World League. It was run overseas through the Saudi embassies. Al Haramain was a mainstream Saudi program. The Minister of Religious Affairs was on the board. There was an overwhelming Saudi government role in Al Haramain, with specific Saudi diplomats assigned to oversee its overseas operations. And so, not surprisingly, the signers on the receipts in question were, de facto, Saudi officials.
29. As I understand it, the true links between the Saudi government and Al Haramain have not been described in disclosure by the government through discovery in Mr. Seda's case. This link is exculpatory for several reasons, including the official

29 Apr 2011
PML

nature of the receipts and record of transactions of Al Haramain, and the reason set out in the next paragraphs.

30. I have reviewed a number of Saudi Arabian documents provided to me by the defense. Those documents are contained in the defense exhibit series 704-717. Those documents demonstrate that Al Haramain was an organization with very close links to the Saudi ruling family and therefore to the Government which is a family own theocracy. For example, one of the documents from June 2003 identifies the current Saudi Minister for Islamic Affairs, Saleh Bin Mohammad Al al-Sahykh, as the Chairman of the Board of Al Haramain. Additional documents identify that high Saudi officials, including HRH Prince Turki Al Saud (then Minister for General Intelligence), HRH Prince Naif (then Minister of the Interior) (police minister) and various other high Saudi officials who exercised direct control over the expenditure of charitable funds in Chechnya and Kosovo via the Saudi Joint Relief Committee (SJRC). My opinion is that these Saudi records are genuine. I am informed that the government is objecting to the introduction of such records into evidence, raising questions of authenticity. I request that inquiry be made of the State Department to determine the existence of official copies of these Saudi records and other records that demonstrate Saudi governmental control over the expenditure of funds at issue in this case.
31. The United States government has a long history of providing financial support to Mujahideen fighters engaged in conflict with Russia.

*2-7-11
MT*

Vast amounts of money and materiel were expended in defeating the Russians in Afghanistan. There are indications in public record sources that suggest the United States continued to fund mujahideen fighters engaged in conflict with Russia in other areas, including the Balkans.

32. For example, looking into Al Haramain, through public record sources, there were reports from 1995 of a CIA officer in Tirana, Albania, simply identified as "Mike," who developed an informant named Hassan Mustafa Osama Nasr, who was part of the Saudi "charitable" network in Albania, that was helping to arm the Bosnians against the Serbs during the Balkan conflict. Nasr worked with Al Haramain and with another Saudi "charity" called HRCA (Human Relief and Construction Agency), funneling support to Al Gamma al Islamiyya and the Revival of Islamic Heritage Society, both groups with suspected ties to Al Qaeda (this was, of course, prior to even the African embassy bombings). Nasr was a joint informant for Albanian intelligence and the CIA in Tirana, until he disappeared. He later surfaced, post-911, in Milan, Italy and was ultimately "renditioned" by the CIA.

33. Based upon this prior history the United States would have likely been supporting the Chechen rebels covertly, in cooperation with Saudi Arabia. In my experience from having run such operations in a different context, one keeps

177
9/11/11

the number of people with knowledge of that activity to an absolute minimum. If Al Haramain was in use by the government in 2000 as a channel, it is extremely unlikely that Mr. Seda would have had any way to know that fact or that the people with whom he was working in Saudi Arabia would have had such knowledge. If they did, it is extremely unlikely they would have informed him of that fact. On the other hand, given the involvement of Prince Turki (then Minister for General Intelligence) in these events, officials of the CIA must have provided at least their tacit acceptance of what Al Haramain was doing.

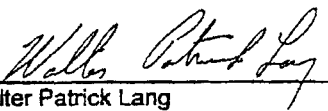
34. Upon information and belief the Bush Administration eventually came to view the Al Haramain Foundation as a danger before 9/11, and so they decided to shut down their operations inside the United States. At the same time, the Bush Administration was very close to the Saudi Royal Family, and very dependent on the Saudi relationship for assistance of the kind mentioned previously in regard to the Chechens. Upon information and belief, the intelligence community must have failed to disclose to the United States Attorney in Oregon, anything in the Al Haramain investigation that was embarrassing to the Saudis.

35. Upon information and belief there are very likely to be things in US government files, particularly in the State Department and Office of Foreign Asset Control (OFAC), that would be very important for the defense. If the veil of secrecy at

27 April 2010

these and other agencies can be lifted it will reveal other agency material that has been withheld.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct; that the statements heretofore set forth are based on my own knowledge, except where otherwise indicated, and as to those statements I believe them to be true; and that this declaration was executed on this 27th day of April, 2010.


Walter Patrick Lang